

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL EVERETT,

Plaintiff,

v.

UNIVERSITY OF SAN FRANCISCO,

Defendant.

No. C 11-01519 CW

ORDER DENYING EX
PARTE REQUEST FOR
TEMPORARY
RESTRAINING ORDER
AND DENYING
WITHOUT PREJUDICE
MOTION FOR A
PRELIMINARY
INJUNCTION
(Docket No. 8)

Pro se Plaintiff Daniel Everett, who is an attorney, alleges that he has a contract with Defendant University of San Francisco (USF) that permits him to broadcast his show on the school's radio station while he is enrolled in the school's Master of Public Affairs program. He pleads that USF has breached the contract by entering into an agreement with Classical Public Radio Network, LLC (CPRN), under which CPRN may broadcast during his time slot. Everett seeks a temporary restraining order (TRO) and a preliminary injunction that would enjoin USF "from continuing to broadcast the programs of CPRN or any other programmer in the time slot previously designated to Plaintiff, and restoring Plaintiff's previous time slot." Compl. ¶ 15.¹ USF has not appeared in this action and Plaintiff offers no proof that he has served it.

Plaintiff's request is for a TRO is DENIED. Plaintiff seeks a

¹ Plaintiff has filed an amended complaint, but it is not signed. Accordingly, the Court considers his original complaint, which is signed.

1 TRO without notice to USF, but he has not offered specific facts
2 that clearly show he will suffer "immediate and irreparable injury,
3 loss, or damage" before USF "can be heard in opposition." Fed. R.
4 Civ. P. 65(b)(1)(A). Nor has he certified "in writing any efforts
5 made to give notice and the reasons why it should not be required."
6 Fed. R. Civ. P. 65(b)(1)(B).

7 Plaintiff's motion for a preliminary injunction is DENIED
8 without prejudice to renewal after Plaintiff files proof that he
9 has served USF in accordance with Federal Rule of Civil Procedure 4
10 and has given notice to USF of his motion for a preliminary
11 injunction. Fed. R. Civ. P. 65(a)(1). Plaintiff's request for a
12 preliminary injunction, if he intends to seek one, must be
13 presented in a motion filed in accordance with Civil L.R. 7-2.

14 IT IS SO ORDERED.

15
16 Dated: 4/8/2011



CLAUDIA WILKEN
United States District Judge